

**ENTERED**

December 28, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JIDONG ZHANG,  
*Plaintiff*

v.

TIPTOP ENERGY PRODUCTION  
U.S., LLC, a limited liability company,  
*Defendant*.

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§ MISC. ACTION NO. 4:18-mc-03657  
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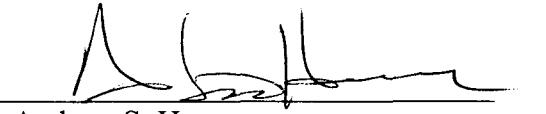
**ORDER**

This Court finds, pursuant to Rule 45(f), that Defendant's Motion to Quash should ultimately be decided by the District Court where the case is currently pending, and finds that exceptional circumstances exist for such transfer. First, that Court has had a lengthy history with the case, the parties, and the attorneys. Second, that Court has issued a number of orders governing the discovery in this matter—including an order staying the unexpired scheduling order deadlines while it resolves certain pending dispositive motions. That order is dated January 9, 2018. The current scheduling order (dated February 2, 2017) has a February 8, 2018 discovery cut-off date. It is unclear to this Court whether the court's stay order applies to this deadline and if it does what the effect, if any, of that order is on the proposed deposition. Third, it is not clear whether this proposed deposition has or may have any effect on the motions currently pending before the Western District of Oklahoma. Finally, the undersigned finds that comity requires it defer to the judge who is presiding over the trial on the merits.

Therefore, this Court temporarily grants the motion for protection and quashes the subpoena of witness Xiang Jiang pending a final ruling by the judge presiding over this case in the Western District of Oklahoma. This motion is therefore transferred to the Western District of Oklahoma to be ruled upon by the Honorable Judge Scott L. Palk, the judge presiding over Civil

Action-16-1044-SLP, Jidong Zhang v. Tiptop Production U.S., LLC. The deposition is stayed until such ruling.

SIGNED at Houston, Texas this 28th day of December, 2018.



Andrew S. Hanen  
United States District Court Judge